

Level 3 Asylum Syllabus

Immigration law	Detailed learning objective
Detailed knowledge of the structure and sources of immigration law, including the framework of the immigration legislation	<ul style="list-style-type: none"> The key principles of immigration control - the right of abode, entry clearance and the relevance of being a visa national, leave to enter and leave to remain
Knowledge of the procedure for making applications under the immigration rules	<ul style="list-style-type: none"> Effective navigation of the rules to enable determination of which immigration rule is applicable to a client's case
Knowledge of the structure and operation of the immigration rules	<ul style="list-style-type: none"> The main categories of entry under the Immigration rules – visitors, students, Tiers 1- 5 PBS – with particular emphasis on Tiers 2 and 4 -, spouses, fiancé(e)s, unmarried partners, children, parents, grandparents and other dependent relatives, and the operation of Appendix FM The key concepts within the immigration rules – financial requirements, maintenance, accommodation, the definition of public funds, intention to leave the country at the end of a period of leave, intention to live together permanently, and the points-based system and their relevant appendices How to identify whether a particular category of entry can lead to settlement, whether switching is permitted, and what period of leave an applicant under a particular rule can anticipate receiving The mandatory and discretionary general grounds for refusal within part 9 of the immigration rules
Awareness of the scope for applications outside the rules	<ul style="list-style-type: none"> The concept of leave to remain outside the immigration rules Where to locate policies operating outside the immigration rules
Knowledge of the appropriate	<ul style="list-style-type: none"> The concept of leave to remain outside the immigration rules

application forms, fees and supporting documentation	<ul style="list-style-type: none"> • The appropriate application form for each category of entry, fees for immigration applications, and what documentation should be obtained to ensure that the criteria of the immigration rules are satisfied • The consequences of failure to make an application within time or on the appropriate prescribed form • The procedures that people who are subject to immigration control who wish to marry in the United Kingdom must follow • The operation of the statutory extension of leave to remain when an application is made
Detailed knowledge of the personnel and terminology relating to immigration law	<ul style="list-style-type: none"> • The common terms encountered in immigration as they appear from time to time in the glossary of the Immigration, Nationality and Refugee Law Handbook of the Joint Council for the Welfare of Immigrants
Detailed knowledge of the types of immigration decision that may be made in an individual's case dependent upon the stage of the entry or expulsion process that they have reached	<ul style="list-style-type: none"> • Extensions, variations and curtailments of leave, indefinite leave to remain and the grant of citizenship • Awareness of illegal entry, overstaying, administrative removal and removal directions, and deportation orders

Asylum law and practice	Detailed learning objective
Detailed knowledge of the requirements of the 1951 Convention according to Article 1A(2) for persons with a single nationality	<ul style="list-style-type: none"> • The constituents of the refugee definition – i.e. the meaning of well-founded fear, persecution, convention reason, state protection, including an ability to recognise which facts of a client's claim are relevant to each of these concepts • The European Union approach to refugee status and its domestic transposition • The existence and operation of the exclusion clauses • The importance of taking instructions without creating discrepancies and addressing any inconsistencies which arise, and in anticipating common issues in relation to the Home Office approach to credibility • The importance of addressing issues of plausibility when preparing statements

Detailed knowledge of the procedure for making an asylum application – applications, screening, substantive interviews	<ul style="list-style-type: none"> • The procedure for claiming asylum in the United Kingdom, including refusal of asylum within normal procedures, along with accelerated procedures such as the detained fast track appeals procedure and the non-suspensive appeal process and appreciation of the key concepts of the new asylum model • Procedures at Home Office interviews • The meaning of key terms and abbreviations • The one stop procedure • The circumstances, test and remedies relating to fresh claims for asylum • The main sources of country information • The procedure in national security cases • Key Home Office policies regarding policy and practice • Issues surrounding vulnerable people, including minors, trafficking victims and those who are mentally incapacitated
Detailed knowledge of safe third country procedures	<ul style="list-style-type: none"> • The Home Office policy to remove asylum seekers to safe third countries • The limited grounds on which, and means by which, such decisions can be challenged
Detailed knowledge of consequences of grant of refugee status (but limited to the form of leave to remain granted to refugees, and to family reunion issues under the Immigration rules, and to the procedure for obtaining travel documents)	<ul style="list-style-type: none"> • Family reunion for refugees and the procedure for obtaining travel documents
Awareness of the procedures for asylum seeking children	<ul style="list-style-type: none"> • The procedures and principles regarding accompanied children and unaccompanied asylum seeking • Children as set out in the Home Office asylum policy instructions • Operation of the best interests of the child principle
Awareness of provisions relating to benefits and support for asylum seekers	<ul style="list-style-type: none"> • Eligibility for NASS support to a person making an asylum claim for the first time • Eligibility for NASS support for a person with child dependants

	<ul style="list-style-type: none"> • The availability of support from local authorities under Section 21 of the National Assistance Act 1948 • Which decisions of NASS are capable of appeal, and which can only be challenged by way of judicial review
Thorough knowledge of leading cases relating to the interpretation of the ECHR and subsidiary protection	<ul style="list-style-type: none"> • As set out by the courts and Tribunals in reported cases from time to time • The ability to apply leading cases appropriately to the facts of a particular case • The ability to apply precedents properly before the IAC • The ability to distinguish case law or challenge the reliability of the same

Human rights and humanitarian protection	Detailed learning objective
Detailed knowledge of Articles 2 and 3 of the ECHR	<ul style="list-style-type: none"> • Ability to identify whether Articles 2 and 3 of the ECHR are applicable to the facts of a client's case both in terms of expulsion from the country and treatment within the UK • Arguing an evidence-backed case under Article 3 ECHR including appreciation of the need to show a minimum level of severity for the Article to be engaged • The standard of proof for human rights arguments • The circumstances in which fresh claims on human rights grounds might be made • Rights of trafficking victims • Operation of the best interests of the child principle
Detailed knowledge of Article 8 of the ECHR	<ul style="list-style-type: none"> • Article 8 ECHR and the right to family and private life • The notion of qualified rights and proportionality • The consequences of making a successful case on human rights grounds based on Article 8 ECHR under and outside the immigration rules
Detailed knowledge of family reunion and travel document procedures for persons granted discretionary leave	<ul style="list-style-type: none"> • Humanitarian protection and discretionary leave to remain: their length, terms, procedure on expiry, and access to settlement

to remain and humanitarian protection	<ul style="list-style-type: none"> • Access to family reunion for persons with humanitarian protection and discretionary leave to remain • Access to travel documents for persons with humanitarian protection and discretionary leave to remain
Thorough knowledge of leading cases relating to the interpretation of the ECHR and subsidiary protection	<ul style="list-style-type: none"> • As set out by the Courts and Tribunals in reported cases from time to time • The ability to apply leading cases appropriately to the facts of a particular case • The ability to apply precedents properly before the IAC • The ability to distinguish case law or challenge the reliability of the same

European economic area (EEA) free movement law	Detailed learning objective
Knowledge of basic applications for EEA nationals and their dependants	<ul style="list-style-type: none"> • The membership of the EEA • The principles of free movement • The definition of qualified person • The initial right to reside • Those admissible as dependants of qualified persons • The definition of extended family member • Retained rights of residence
Knowledge of the criteria for admission of accession state nationals	<ul style="list-style-type: none"> • The A8 and A2 Accession scheme
Awareness of the circumstances in which EEA nationals can be denied entry or removed	<ul style="list-style-type: none"> • The general grounds for exclusion or expulsion
Knowledge of the rights available to Turkish nationals as workers or persons offering services	<ul style="list-style-type: none"> • The criteria for applications to be made for workers and the self-employed who are Turkish nationals • The means of making an application relying on European Community law for a Turkish national

	<ul style="list-style-type: none"> • Exercising association agreement rights
Detailed knowledge of the procedures for making applications for those exercising EEA treaty rights and their family members	<ul style="list-style-type: none"> • The appropriate application forms for applying for residence documents, residence permits, and family permits for EEA nationals and their family members • The fees and supporting documentation for such applications • The registration requirements for workers for A8 nationals

Nationality	Detailed learning objective
Detailed knowledge of the process and legal framework of naturalisation/ registration	<ul style="list-style-type: none"> • The modes of obtaining nationality – by operation of law, by registration, and naturalisation • The procedure for making an application for naturalisation as a British citizen • The procedure for making an application for registration as a British citizen for children born in the United Kingdom

Business immigration	Detailed learning objective
Knowledge of the structure and operation of the programmes that manage business related entry to the UK	<ul style="list-style-type: none"> • Skilled and unskilled categories of managed migrant • Work permits and the requirements for leave to enter or remain for holders of work permits • Knowledge of Tier 1 of PBS • Knowledge of Tier 2 of PBS • Tier 5 of PBS for temporary workers and others

Appeals and High Court proceedings	Detailed learning objective
Detailed knowledge of the structure and remedies available in the Tribunal	<ul style="list-style-type: none"> • The structure of the First tier (FTT) and Upper Tribunal (UT) Immigration and Asylum Chambers (IAC) • The consequences of a successful appeal including the possibility of further challenges by the Home Office
Detailed knowledge of the time limits for appealing	<ul style="list-style-type: none"> • Calculating the date of deemed service of a decision at first instance, and the time limit for any subsequent appeal • The procedure and practice for making applications out of time to the FTT and UT
Detailed knowledge of the legislative provisions in relation to whether there is a right of appeal and what grounds of appeal might be appropriate	<ul style="list-style-type: none"> • Which decisions are capable of appeal and the limitations on rights of appeal • How to lodge an appeal to the FTT where appropriate with properly identified grounds of appeal • Procedure rules, practice directions and presidential statements of the tribunals
Detailed knowledge of procedures and practice before the IAC	<ul style="list-style-type: none"> • Applications for adjournment • Applications to admit argument and evidence outside the time frame permitted by directions • Applications to admit new argument consequent to service of grounds of appeal • The ability to identify material errors of law in a determination of the FTT • The preparation of grounds to the FTT for leave to appeal and supplementary grounds to the UT where leave is initially declined by the FTT • The preparation of a reply in an appeal by the Home Office to the UT • The facility to admit fresh evidence in an error of law hearing before the UT • The two-stage process applicable to appeals from the UT to the Court of Appeal • The thresholds applicable in relation to the second appeals test for appeals to the Court of Appeal • The ability to know when to refer a case on to a suitably qualified person
Knowledge of the remedies available before the High Court	<ul style="list-style-type: none"> • The processes related to judicial review, including the Civil Procedure Rules Chapter 54, and related practice directions • The ability to assess if a case is suitable for Judicial Review • The ability to prepare a pre-action protocol letter

	<ul style="list-style-type: none"> • The ability to know when to refer a case to a suitably qualified person
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Detention and bail	Detailed learning objective
Knowledge of the circumstances in which detention is thought justified by the immigration authorities and the factors to be taken into account in determining whether detention is the right course of action	<ul style="list-style-type: none"> • The procedures that accompany detention • The reasons for detention and the factors to be taken into account in a detention case • The categories of cases where detention will be permissible only in exceptional circumstances
Knowledge of the main provisions relating to bail/ temporary admission	<ul style="list-style-type: none"> • How to seek bail from an immigration judge or chief immigration officer and temporary admission from the Immigration Service • The likely conditions to be set on bail and temporary admission • The circumstances in which there will be no power to detain an individual
Knowledge of the remedies available before the High Court	<ul style="list-style-type: none"> • Judicial review and habeas corpus

Offences	Detailed learning objective
Knowledge of the major offences under the immigration legislation	<ul style="list-style-type: none"> • Offences under the Immigration Act 1971 – illegal entry, overstaying and breaching conditions (section 24(1)(a)-(c), deception (section 24A(1)-(3)), facilitating (section 25(1)-(1A), harbouring (section 25(2)), assisting entry in breach of a deportation or exclusion order (section 25B(1-3) and offences regarding administration of 1971 Act (section 26(1)) • Offences under sections 2 and 35 of the Immigration and Asylum (Treatment of Claimants) Act 2004) • Offences connected with support under section 105 of the Immigration and Asylum Act 1999

	<ul style="list-style-type: none"> • Offences regarding employment under section 8 of the Asylum and Immigration Act 1996
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Welfare and support	Detailed learning objective
Awareness of the main provisions relating to benefits/support for persons subject to immigration control	<ul style="list-style-type: none"> • The effect of the main provisions on welfare and support is to exclude certain persons subject to immigration control from obtaining certain benefits
Knowledge of the circumstances in which employment is prohibited for persons subject to immigration control	<ul style="list-style-type: none"> • The circumstances in which employment is prohibited for persons subject to immigration control • The circumstances in which employment is prohibited for asylum seekers

Ethics	Detailed learning objective
Knowledge of the relevant professional and ethical rules	<ul style="list-style-type: none"> • The duty of care owed by a legal representative to clients and to upholding UK law, including issues around conflict of interest and confidentiality, acting in the clients best interests and appropriately and professionally in their dealings with the Home Office and other legal representatives, as laid down in the Commissioner's Rules and Code of Standards

Essential skills and abilities	Detailed learning objective
Communication skills	<ul style="list-style-type: none"> • Ability to identify the need for and use of appropriate interpreters • Ability to communicate to a high standard in written English with the client, Home Office and other agencies so as to be able to: <ul style="list-style-type: none"> ○ Identify to whom an enquiry relates to, establish their wishes and intentions and the relevant facts of the case

	<ul style="list-style-type: none"> ○ Communicate advice clearly, giving reasons and explaining options ○ Complete application forms clearly and accurately in plain English ○ Produce clear, pertinent and effective written representations ○ Use correct terminology and enclose the appropriate evidence, or provide a clear explanation why it has not been provided
Casework skills	<ul style="list-style-type: none"> ● Ability to identify if it is appropriate for an application to be made and, if so, the appropriate application to be made according to each client's circumstances ● Ability to assess the merits of the case presented ● Awareness of the cultural, gender and disability issues that may arise in the course of a case and the ability to deal sensitively with these issues ● Ability to identify vulnerable clients and to make appropriate provisions (including referral) ● Ability to identify the range of evidence needed to support an application ● Ability to identify and use the most up to date and relevant information, including case-law ● Drafting witness statements, representations, grounds of appeal to the FTT and UT, and briefs to counsel and skeleton arguments for IAC proceedings ● Awareness of and a commitment to follow established good practice ● Ability to act with an appropriate sense of urgency ● Awareness of the limitations of competence and when to refer cases on

Definitions:

- **Detailed knowledge** – An adviser will be familiar with and understand specific information and have the skills, training and experience to know and apply its fullest implication to a client's case
- **Knowledge** – An adviser will be familiar with and understand information and have the skills to apply it directly to a problem or case
- **Understanding** – An adviser will be able to identify and comprehend information and be able to summarise and apply it to a problem or a case

- **Awareness** – Knowing general concepts, topics, procedures and methods without needing to be able to apply the information directly. An adviser should be able to identify the limits of their awareness. They should also be able to identify and refer to relevant sources of information for more in-depth knowledge